

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Civil Action NO. 04-12091-NMG

**FREDERICK H. TARR, III,**

**Plaintiff**

v.

**TOWN OF ROCKPORT, MICHAEL  
RACICOT, NICOLA BARLETTA,  
CHARLES CLARK, ROXANNE TIERI  
and JOANNE WILE,**

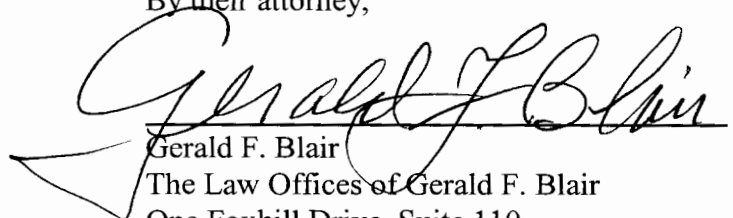
**Defendant**

**DEFENDANTS' MOTION FOR PARTIAL JUDGMENT  
ON THE PLEADINGS UNDER F.R.C.P. RULE 12(c)**

Now comes the defendants, Town of Rockport, Michael Racicot, Nicola Barletta, Charles Clark, Roxanne Tieri and Joanne Wile and move this Honorable Court to enter Partial Judgment on the Pleadings pursuant to Federal Rules of Civil Procedure Rule 12(c) dismissing Counts I, III, IV and V of the plaintiff's Complaint against the defendants, Town of Rockport, Michael Racicot, Nicola Barletta, Charles Clark, Roxanne Tieri and Joanne Wile in this action.

The defendants attach hereto their Memorandum of Law in support of this Motion.

THE DEFENDANTS,  
By their attorney,

  
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**CERTIFICATE OF SERVICE**

I hereby certify that the Defendants' Motion for Partial Judgment on the Pleadings under F.R.C.P. Rule 12(c) and Defendants' Memorandum of Law in Support of Motion for Partial Judgment on the Pleadings under F.R.C.P. Rule 12(c) were served upon John L. Hamilton, Esquire, 10 Lee Park, South Hamilton, MA 01982, attorney for the plaintiff/opposing party by mailing a copy of same, postage prepaid and via first class mail.

Date:

May 16, 2005

  
Gerald F. Blair